

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA**

**SCUTELLA,**

**Plaintiff,**

**v.**

**PENNSYLVANIA BOARD OF  
PROBATION AND PAROLE,**

**Defendant.**

**Civil Action No. 16-301**

**ORDER ADOPTING THE REPORT AND  
RECOMMENDATION**

The Magistrate Judge issued a Report and Recommendation in this matter (Dkt. No. 17), recommending that this Court dismiss this action due to Plaintiff's failure to prosecute. This case was filed on December 16, 2016. On July 20, 2017, Defendant moved for a 60 day stay so that the parties might resolve the matter. Dkt. No. 12. The Magistrate Judge ordered Plaintiff to respond to the motion by August 2, 2017. Dkt. No. 14. Plaintiff failed to file a response, so on August 29, 2017, the Magistrate Judge issued another order in which she instructed Plaintiff to respond to the motion by September 11, 2017. Dkt. No. 15. The order warned Plaintiff that failure to comply with the Court's instructions may result in dismissal of the action. *Id.* Plaintiff still did not respond to the motion, so the Magistrate Judge issued an order instructing Plaintiff to show why the matter should not be dismissed for failure to prosecute. Dkt. No. 16. Plaintiff's response was due by January 10, 2018 and Plaintiff still has not responded to the show cause order. Therefore, on January 16, 2018, the Magistrate Judge issued the instant Report and Recommendation, recommending that this Court dismiss the action for failure to prosecute. Dkt. No. 17.

After reviewing the Report and Recommendation, the record of the case, and the relevant legal authorities, and no objection being filed, it is hereby ordered that:

- (1) The Report and Recommendation is ADOPTED;
- (2) This matter is HEREBY DISMISSED; and
- (3) The Clerk of the Court shall send copies of this Order to Petitioner.

**IT IS SO ORDERED.**

DATED this 8th day of February, 2018.



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BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE